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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,299	05/21/2001	Tadashi Takano	SIMTEK6241	8159

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EXAMINER

LE, DANG D

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 01/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,299

Applicant(s)

TAKANO, TADASHI

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it contains the words "comprising" in line 2 and "said" in line 4. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lugosi et al. in view of Kim.

Regarding claim 1, Lugosi et al. show a rotary electric apparatus comprising a first element (dynamoelectric machine having rotor), and a second element (stator, column 2, line 65-69) with magnet wires (16, Figure 4) wound around stator cores, said first and said second elements being supported for relative rotation, said magnet wires (16) comprising plural enameled wires (18, column 3, lines 12-28) twisted together to form a stranded cable.

Lugosi et al. do not clearly show the first element having a permanent magnet.

Kim shows the first element (60, Figure 6) having a permanent magnet (column 3, lines 15-25) for the purpose of making a permanent magnet motor.

Since Lugosi et al. and Kim are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the first element as a permanent magnet rotor as taught by Kim for the purpose discussed above.

Regarding claim 3, it is noted that Kim also shows the first and said second elements being placed within a casing (20), the first element comprising a rotor (60) supported for rotation with the casing, said second element comprising a stator (50) fixed to said casing, and an encoder (100 for acquiring control signals is provided on the inside of said casing.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lugosi et al. in view of Kim as applied to claim 1 above, and further in view of Tolmie, Jr.

Regarding claim 2, the apparatus of Lugosi et al. modified by Kim shows all of the limitations of the claimed invention including the first and said second elements placed within a casing (Figure 3), the first element comprising a rotor supported for rotation with said casing (20), said second element comprising a stator (50) fixed to said casing except for an encoder for acquiring control signals provided on the outside of said casing.

Tolmie, Jr. shows an encoder (36, Figure 2) for acquiring control signals provided on the outside of said casing (17) for the purpose of controlling the motor operation.

Art Unit: 2834

Since Lugosi et al., Kim and Tolmie, Jr. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide an encoder for acquiring control signals on the outside of said casing as taught by Tolmie, Jr. for the purpose discussed above.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lugosi et al. in view of Kim as applied to claim 1 above, and further in view of Takahashi et al.

Regarding claim 4, the apparatus of Lugosi et al. modified by Kim shows all of the limitations of the claimed invention except for outlet wires constituted as stranded wires associated with the magnet wires.

Takahashi et al. show outlet wires (W, V, U, Figure 1) constituted as stranded wires associated with the magnet wires (1) for the purpose of reducing size.

Since Lugosi et al., Kim and Takahashi et al. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to constitute outlet wires as stranded wires associated with the magnet wires as taught by Takahashi et al. for the purpose discussed above.

Information on How to Contact USPTO

Art Unit: 2834

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL
January 22, 2002

